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This Exhibit 15 sets out the previously filed evidence that supports this Motion. Section I provides a Fed. R. Evid. 1006 summary of the key record documents. Section II provides a listing of the previously filed documents that are incorporated by reference.

## **I. Fed. R. Evid. 1006 Summary of Incorporated Evidence**

The following summary is provided pursuant to Fed. R. Evid. 1006:

### **A. Coalition Plaintiffs' October 2019 Motion**

On October 23, 2019, Coalition Plaintiffs moved to enjoin use of the Dominion BMD System. (Docs. 640 (Motion), 680-1 (Reply).) The declarations and documentary evidence submitted with the motion showed that the BMD system—as designed—produced ballot cards with an untrustworthy QR code that was incapable of effective verification by voters, (Doc. 640-1, at 40–45 (Stark Decl.); id. at 53–60 (Skoglund Decl.); Doc. 680-1, at 2 (Stark Decl.); id. at 37 (Hursti Decl.); id. at 51–56 (DeMillo Decl.); id. at 173 ¶¶ 13–18 (Dufort Decl.)); and a text summary that was not actually checked or verified by many voters in any event, (Doc. 680-1, at 2 (Stark Decl.); id. at 78–80 (Martin Decl.); id. at 138–40 ¶¶ 33–40 (Nakamura Decl.)); that compromised ballot secrecy by timestamping scanned ballot images, (Doc. 640-1, at 23–27 (Br.); Doc. 640-1, at 81 (Marks. Decl., Ex. A)); that could not and did not produce accountable or auditable results (Doc. 640-1, at 40–45 (Skoglund Decl.)); and that voters simply did not trust,

(Doc. 640-1, at 149–54 ¶¶ 5, 7, 11, 13–16 (Missett Decl.); 680-1, at 120 (Throop Decl.).)

Although the Court ultimately denied Coalition Plaintiff’s motion without prejudice because the evidence had become “dated” by August 2020, ten months after the motion was filed, (Doc. 768, at 11), the 2019 testimony and documents still stand unrebutted and thus continue to support granting relief now. *Lynch v. Baxley*, 744 F.2d 1452, 1456 (11th Cir. 1984) (“Past wrongs do constitute evidence bearing on whether there is a real and immediate threat of repeated injury which could be averted by the issuing of an injunction.”).

#### **B. BMD Pilots and Runoffs in 2019**

On November 5, 2019, the State conducted pilot elections in seven counties using the Dominion BMD System, with runoffs subsequently conducted in early December. A myriad of problems occurred in the pilots, many of which were reported in the news (Doc. 675-2), some of which were outlined in the Secretary’s own reported findings. (Doc. 675-1.) The Coalition Plaintiffs reported these problems to the Court in a Status Report on December 6, 2019. (Doc. 675.) All of the piloted BMD equipment was subject to failures, debugging issues, and equipment malfunctions. After having observed the system’s initial operation in pilots, the Coalition Plaintiffs supplemented their pending injunction motion with additional evidence demonstrating that the BMDs directly violated voter privacy

because of the enormous size of the BMD touchscreens, (Doc. 680-1, at 76–78 (Martin Decl.); id. at 93–96 (Throop Decl.); id. at 130–32 (Nakamura Decl.); id. at 173 (Dufort Decl.)); and suffered from continuation of the same electronic pollbook errors and security defects that were a hallmark of the unconstitutional DRE system, (Doc. 640-1, at 60–62 ¶¶ 52–56 (Skoglund Decl.); Doc. 680-1, at 50, 71 (DeMillo Decl.); id. at 76 ¶ 6 (Martin, Decl.); id. at 83–91 (Throop Decl.); id. at 191–92 (Rose Decl.)).

After the runoffs took place, and in advance of two upcoming Q1-2020 vacancy elections, the Coalition Plaintiffs filed a second status report (Doc. 699) with exhibits that showed that oversized BMD touchscreens deployed in the polling places during the pilots gravely violated ballot secrecy (Doc. 699-6, at 3–4 ¶¶ 6–7 & at 16–19 (Exs. C–D) (Suppl. Decl. Marks); Doc. 699-7, at 3–4 ¶¶ 8–9 & at 6 ¶ 17 (Suppl. Decl. Dufort).

### **C. First Quarter 2020 Special Elections**

In the January and February of 2020, the Dominion BMD System was used to conduct two legislative vacancy elections in three counties (House District 171) and nine counties (Senate District 13), respectively. On March 11, 2020, the Coalition Plaintiffs filed a Notice (Doc. 723) in support of their pending injunction motion which added fifteen new declarations to the record. These declarations proffered testimony about continuing pervasive ballot secrecy violations caused by

the BMD touchscreens, (Doc. 723, at 17 ¶¶ 12–13, 15–18 (Throop Decl.); id. at 22–26 (Marks Decl.); id. at 31–32 (Granados Decl.); id. at 56 (McKibben Decl.); id. at 72–74 (Smith Decl.); id. at 77–78 (Rinaudo Decl.); id. at 82 (Holko Decl.)), as well as serious system security flaws that were clearly revealed during the vacancy elections, (Doc. 723, at 10–11 (Roberts Decl.); id. at 40 ¶ 9 (Nakamura Decl.)).

## II. Listing of Incorporated Documents

The following documents are incorporated by reference here and in the Brief:

| <b>PACER Doc.</b>                       | <b>Document Title</b>   |
|---|---|
| Doc. 640-1,<br>at 40–45<br>(640 Ex. A)  | <b>2d Supp. Decl. Philip Stark</b>  |
| Doc. 640-1,<br>at 47–66<br>(640 Ex. B)  | <b>Decl. Kevin Skoglund</b> , with<br>Attachment A (Dominion BMD ballot image sample)<br>Attachment B (Dominion BMD ballot card summary sample) |
| Doc. 640-1,<br>at 68–147<br>(640 Ex. C) | <b>Decl. &amp; V. Marilyn Marks</b> , with<br>Exhibit 1 (Dominion RFI)  |
| Doc. 640-1,<br>at 149–54<br>(640 Ex. D) | <b>Decl. Megan Missett</b>  |

| <b>PACER Doc.</b>                       | <b>Document Title</b>   |
|---|---|
| Doc. 640-1,<br>at 156–60<br>(640 Ex. E) | <b>Decl. Ricardo Davis</b>  |
| Doc. 640-1,<br>at 162–65<br>(640 Ex. F) | <b>Decl. Laura Digges</b>   |
| Doc. 640-1,<br>at 167–70<br>(640 Ex. G) | <b>Decl. William Digges III</b>   |
| Doc. 680-1,<br>at 2–24<br>(680 Ex. H)   | <b>3d Supp. Decl. Philip B. Stark</b>   |
| Doc. 680-1,<br>at 37–43<br>(680 Ex. J)  | <b>Decl. Harri Hursti</b>   |
| Doc. 680-1,<br>at 45–72<br>(680 Ex. K)  | <b>Supp. Decl. Richard DeMillo</b> , with<br>Exhibit 1 (CV)<br>Exhibit 2 (Politico article)   |
| Doc. 680-1,<br>at 74–80<br>(680 Ex. L)  | <b>Supp. Decl. Rhonda J. Martin</b>   |
| Doc. 680-1,<br>at 82–126<br>(680 Ex. M) | <b>Decl. Elizabeth Throop</b> , with<br>Exhibit 1 (Exec. Summary, Initial Findings: Pilot Counties<br>Municipal Elections 2019)<br>Exhibit 2 (Tr. excerpts, SAFE Comm’n)<br>Exhibit 3 (BMD touchscreen photo) |

| <b>PACER Doc.</b>                        | <b>Document Title</b>   |
|--|---|
| Doc. 680-1,<br>at 128–68<br>(680 Ex. N)  | <b>Decl. Aileen Nakamura</b> , with<br>Exhibit 1 (compiled news reports and election officials’<br>quotations)<br>Exhibit 2 (compiled news reports and election officials’<br>quotations) |
| Doc. 680-1,<br>at 170–189<br>(680 Ex. O) | <b>Supp. Decl. Jeanne Dufort</b> , with<br>Exhibit 1 (Morgan County Bd. notes)  |
| Doc. 680-1,<br>at 191–93<br>(680 Ex. P)  | <b>Decl. Floyd E. Rose</b>  |
| Doc. 680-1,<br>at 195–205<br>(680 Ex. Q) | <b>Decl. Elisa Goldklang</b> , with<br>Exhibit 1 (Tr. excerpts, Cobb County Bd. Elections)  |
| Doc. 675-1<br>(675 Ex. A)                | <b>Exec. Summary, Initial Findings: Pilot Counties Municipal<br/>Elections 2019</b>   |
| Doc. 675-2<br>(675 Ex. B)                | <b>Compiled news articles</b>   |

| <b>PACER Doc.</b>                   | <b>Document Title</b>  |
|-------------------------------------|--|
| Doc. 699-6<br>(699 Ex. 6)           | <b>Supp. Decl. Marilyn Marks</b> , with<br>Exhibit A (Oconee county email)<br>Exhibit B-1 (Notes of conference call held by Secretary of State's office)<br>Exhibit B-2 (notes of questions and responses by Secretary's office)<br>Exhibit B-3 (questions and responses by Secretary's office from region calls)<br>Exhibit C (HAVA complaint about BMD ballot secrecy)<br>Exhibit D (touchscreen photo)<br>Exhibit E (Ryan Germany email chain)<br>Exhibit F (compiled quotations of election officials and news articles) |
| Doc. 699-7<br>(699 Ex. 7)           | <b>Supp. Decl. Jeanne Dufort</b> , with<br>Exhibit A (Tr. excerpts, Athens Clarke County Bd. Elections meeting)<br>Exhibit B (BMD power system quick reference guide)  |
| Doc. 716-1<br>(716 Ex. 1)           | <b>Supp. Decl. Richard DeMillo</b>   |
| Doc. 716-2<br>(716 Ex. 2)           | <b>Supp. Decl. Jeanne Dufort</b>   |
| Doc. 716-3<br>(716 Ex. 3)           | <b>Supp. Decl. Rhonda J. Martin</b> , with<br>Exhibit A (Secretary of State email)<br>Exhibit B (precinct layout paper)  |
| Doc. 723,<br>at 9–12<br>(723 Ex. A) | <b>Decl. Shea Roberts</b> , with<br>Exhibit A (polling place layout)   |

| <b>PACER Doc.</b>                    | <b>Document Title</b>   |
|--------------------------------------|---|
| Doc. 723,<br>at 14–20<br>(723 Ex. B) | <b>Decl. Elizabeth Throop</b>   |
| Doc. 723,<br>at 22–28<br>(723 Ex. C) | <b>Supp. Decl. Marilyn Marks</b>  |
| Doc. 723,<br>at 30–32<br>(723 Ex. D) | <b>Supp. Decl. Jorge Granados</b>                                       |
| Doc. 723,<br>at 34–36<br>(723 Ex. E) | <b>Decl. Deborah Gaventa Brown</b>                                      |
| Doc. 723,<br>at 38–43<br>(723 Ex. F) | <b>Decl. Aileen Nakamura</b> , with<br>Exhibit A (polling place photos) |
| Doc. 723,<br>at 45–47<br>(723 Ex. G) | <b>Decl. Lucia Gambino</b>  |
| Doc. 723,<br>at 49–52<br>(723 Ex. H) | <b>Decl. S. Kathryn Grant</b>   |
| Doc. 723,<br>at 54–58<br>(723 Ex. I) | <b>Decl. Paschal McKibben</b> , with<br>Exhibit A (voting room photo)   |
| Doc. 723,<br>at 60–62<br>(723 Ex. J) | <b>Supp. Decl. Rhonda J. Martin</b>                                     |

| <b>PACER Doc.</b>                    | <b>Document Title</b>   |
|--------------------------------------|---|
| Doc. 723,<br>at 64–66<br>(723 Ex. K) | <b>Decl. Joseph Wagner</b>  |
| Doc. 723,<br>at 68–69<br>(723 Ex. L) | <b>Decl. Kirk A. Lyman Barner</b>   |
| Doc. 723,<br>at 71–74<br>(723 Ex. M) | <b>Decl. Priscilla Smith</b>  |
| Doc. 723,<br>at 76–78<br>(723 Ex. N) | <b>Decl. Kyle Rinaudo</b>   |
| Doc. 723,<br>at 80–84<br>(723 Ex. O) | <b>Decl. Carolina Holko</b>   |
| Doc. 755,<br>at 5–71<br>(800 Ex. 1)  | <b>Decl. Marilyn Marks</b> , with<br>Exhibit A (pages of paper pollbook)<br>Exhibit B (petition for rulemaking)<br>Exhibit C (letter Marks to Raffensperger)<br>Exhibit D (Tr. excerpts, Cobb County Bd. Elections meeting)<br>Exhibit E (excerpts of State’s Dominion KnowInk RFP) |

| <b>PACER Doc.</b>                     | <b>Document Title</b>  |
|---------------------------------------|--|
| Doc. 755,<br>at 73–99<br>(800 Ex. 2)  | <b>Decl. Joy Wasson</b> , with<br>Exhibit A (voter line photo)<br>Exhibit B (MVP screenshot)<br>Exhibit C (Twitter screenshot)<br>Exhibit D (polling place data)<br>Exhibit E (Tr. excerpts, DeKalb Voter Experience Forum)<br>Exhibit F (Aff. Joy Wasson) |
| Doc. 755,<br>at 101–16<br>(800 Ex. 3) | <b>Decl. Elizabeth Throop</b> , with<br>Exhibit A (letter)<br>Exhibit B (Brennan Center web page)  |
| Doc. 755,<br>at 118–22<br>(800 Ex. 4) | <b>Supp. Decl. Aileen Nakamura</b>   |
| Doc. 755,<br>at 124–35<br>(800 Ex. 5) | <b>Decl. Samantha Whitley</b> , with<br>Exhibit A (voter line photos)<br>Exhibit B (voter line photos)   |
| Doc. 755,<br>at 137–43<br>(800 Ex. 6) | <b>Decl. Beatrice Brown</b>  |
| Doc. 755,<br>at 145–48<br>(800 Ex. 7) | <b>Decl. Angela Stone</b>  |
| Doc. 755,<br>at 150–55<br>(800 Ex. 8) | <b>Decl. Lynn H. Palazzo</b>   |

| <b>PACER Doc.</b>                   | <b>Document Title</b>   |
|-------------------------------------|---|
| Doc. 755,<br>at 157–<br>(800 Ex. 9) | <b>Decl. Bruce P. Brown</b> , with<br>Exhibit A (emails)<br>Exhibit B (email)<br>Exhibit C (email)  |
| Doc. 802 at 6                       | <b>Decl. Harri Hursti</b> , with<br>Exhibit A (Photo of electors list)  |
| Doc. 802 at<br>16                   | <b>Decl. Marilyn Marks</b> , with<br>Exhibit A (Photo of electors list)<br>Exhibit B (excerpts of Henry County electors list)<br>Exhibit C (email)<br>Exhibit D (seven ballot recap sheets) |
| Doc. 800-4                          | <b>Decl. John T. Peterson</b> , with<br>Exhibit 1 (Dominion employment advertisement)   |
| Doc. 800-6                          | <b>Decl. Samantha Whitley</b>   |